



Re: Fw: FL Phosphate - Inside EPA Inquiry

Dawn Harris-Young to: Allison Wise

02/07/2011 11:16 AM

Cc: Brad Jackson, Carol Monell, Derek Matory, LaTonya Spencer, Freda Lockhart

History: This message has been forwarded.

Superfund Report - 02/07/2011

EPA Sets Stage For Massive Cleanup Of Homes On Radioactive Sites

Posted: February 4, 2011

EPA has begun aerial surveys of former phosphate mines in central Florida where it fears tens of thousands people may be exposed to levels of radiation - a key step that could put the agency on the path toward conducting a potentially precedent-setting cleanup of the area. The surveys - which have been on hold for years as EPA disputed cleanup standards with state and industry officials - could also lay the groundwork for citizen lawsuits that could potentially force mining companies to clean up the area if the agency does not act on its own, a lawyer says.

At issue are approximately 10 square miles of former phosphate mining lands near Lakeland, FL, where EPA has taken no cleanup action, having concerns since the late 1970s that the indoor air of homes built on the lands is contaminated with cancer-causing levels of radon. Between EPA, state and industry officials over the appropriate cleanup standard for the sites, along with the potentially overwhelming cost of conducting such a massive cleanup - as much as \$11 billion by some estimates - have been among the reasons for the delay (Superfund Sept. 3).

EPA has long considered aerial surveys to be the next step to addressing its concerns about residential exposure because they would allow the agency to better characterize how much of the land in question is contaminated and to what extent. State and federal officials drafted legislation for such surveys in 2006, but the work was delayed as a result of the dispute over cleanup standards, a former EPA official says.

According to documents *Inside EPA* recently obtained under the Freedom of Information Act (FOIA), planning to conduct an aerial survey of a number of sites was again underway in 2008, but the plans were never executed. But a January 2010 *Inside EPA* article that for the first time discussed EPA's concerns about the area public "prompted renewed interest in the sites," according to a February 2010 request from EPA Region IV. EPA officials have a meeting about the issue with then-Acting Regional Administrator Stan Meiburg. Among the interest the article generated were officials at EPA headquarters and Rep. Edward Markey (D-MA) - then chairman of the House Environment Subcommittee - for briefing from the Region IV staff.

Following these requests, internal discussions regarding aerial surveys resumed, the FOIA documents show, and according to a source with knowledge of the surveys, federal contractors completed some survey work on behalf of EPA in January 2011. The source declined to provide survey results, however, and it is unclear exactly what EPA's next steps will be.

EPA officials did not respond to requests for comment.

Surveying the area, however, is an important step that could provide EPA with key information that the agency would need in order to conduct a cleanup of the site, the lawyer following the issue says. Without comprehensive survey data, EPA has been unable to determine exactly how widespread the problem is, how widespread it is, and exactly how many homes might have to be cleaned up, the lawyer notes.

If EPA does not initiate a cleanup, the data it collects in such surveys could be used by residents to launch lawsuits against the companies that mined the area, the lawyer says. If successful, such suits could force the companies to conduct cleanup work on their own or to pay for cleanup of affected residents, the lawyer adds.

One case in which two central Florida residents sought to hold phosphate mining companies liable for radioactive contamination on land recently settled for an undisclosed amount, although the case dealt primarily with drinking water contamination rather than indoor air. In the suit, which had been filed in the U.S. District Court for the Middle District of Florida, Charlie and Kimberly Gates alleged the Mr. W.R. Grace & Co., Seminole Fertilizer Corporation and Cargill Fertilizer Inc. were responsible for polluting their private drinking water at their former home in Bartow, FL, and ultimately causing Charlie Gates to contract leukemia. *Relevant documents are available on InsideEPA.com.* If EPA does pursue cleanup of the area, the cleanup standards it chooses could set a precedent for future phosphate mine cleanups in other states, and for sites contaminated with radioactive materials generally. The traditional EPA cleanup standard under Superfund for concentrations of radium-226 - the radioactive substance left behind on former phosphate mine lands - should not exceed 5 picocuries (pCi/g) of soil. But state and industry officials consider the 5 pCi/g standard "overly conservative" and argue no cleanup is necessary unless residents are receiving a dose of more than 500 millirems of radiation per year (mrem/year).

If EPA were to accept 500 mrem as a protective standard for the Florida sites, it would set a negative and far-reaching precedent for radioactive cleanups around the country, environmentalists have said. "EPA has for years said 100 millirem is way outside the [Superfund] standard," says a lawyer for the Florida Department of Environmental Protection.



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range," one activist said previously. "This would be EPA living in a different universe."

Industry has in the past expressed its contrary view in statements to *Inside EPA* and closed-door meetings with EPA officials, and a recent FOIA documents, such meetings resumed during the past year. One such meeting took place on April 15, 2010, the document. According to a letter Mosaic officials sent to EPA in advance of the meeting, the company hoped "to gain an understanding of EPA's on the issue of radiation on mined lands and whether [the agency's] focus is on public health or something else."

Mosaic also sought "to engage in a discussion of what EPA believes is the likely path to set standards, gather data, manage risks, and regarding the radiation issue," the letter says. "Mosaic, as the largest phosphate mining company in Florida, is interested in what act can take to engage proactively with EPA, other state and federal agencies, and the residents of Florida toward appropriate next step. The FOIA documents also show that some Region IV officials had concerns about Mosaic's plans to build a resort on some former property near Fort Meade, FL, and suggested to their colleagues that the area be checked out before construction begins.

A spokesman for Mosaic says the April meeting featured "the same topic of discussion" as prior meetings on the issue and that there was little conversation beyond the discussion of an appropriate standard." - *Douglas P. Guarino*

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"Service is the rent we pay for living" - Marian Wright Edelman

Allison Wise

Allison Wise, Acting Director Office of External Affairs

02/07/2011 11:06:00 AM

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To: Dawn Harris-Young/R4/USEPA/US@EPA
Date: 02/07/2011 11:06 AM
Subject: Fw: FL Phosphate - Inside EPA Inquiry

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— Forwarded by Allison Wise/R4/USEPA/US on 02/07/2011 11:05 AM —

From: Brad Jackson/R4/USEPA/US
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Date: 02/02/2011 07:10 AM
Subject: FL Phosphate - Inside EPA Inquiry

Allison:

Carol asked that I forward this on to you. I received a call yesterday afternoon from Doug Guarino, Inside EPA (703-562-8769). This is the reporter that has written the majority of the phosphate articles. He said he wanted to talk w/ me to get an update.

He first wanted to know the status of the "flyover." He also said that he has the FOIA response and had a lot of questions regarding the status of some of the issues discussed in some of the material. I told him I would forward his request.

He said he is writing a story for this week and needed to talk w/ someone soon. He said he was unable to

get an update from EPA for his last article and did not want to write the article as though EPA had "no comment."

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